

REMARKS

Claims 32-41 are pending in this application. By this Amendment, claims 32-41 are added. Claims 1-11 and 24-31 are canceled. Figure 8 is amended for correcting an informality (i.e., removing the Japanese characters and instead inserting "intensity" which correspond to the removed Japanese characters). Support for the amendments to claims may be found in at least page 5, lines 8-14, page 5, line 19-page 6, line 3, page 10, lines 10-16, page 10, line 22-page 11, line 5, page 12, lines 7-9, page 19, lines 5-19, page 31, line 8-page 32, line 9, of the specification, and Figs. 8 and 10. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Claim 10 is objected to for an informality. As claim 10 is canceled, the objection is moot. Applicants respectfully request withdrawal of the objection.

Claims 10, 11, 27, 28 and 31 are rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,605,038 (Teller); claims 1-6 and 8 are rejected under 35 U.S.C. §103(b) as being unpatentable over Teller in view of U.S. Patent No. 6,385,589 (Trusheim); claims 24-26, 29 and 30 are rejected under 35 U.S.C. §103(b) as being unpatentable over Teller in view of U.S. Patent No. 6,493,652 (Ohlenbusch); and claims 7 and 9 are rejected under 35 U.S.C. §103(b) as being unpatentable over Teller in view of Trusheim and further in view of Ohlenbusch. As claims 1-11 and 24-31 are canceled, the rejections are moot. Applicants respectfully request withdrawal of the rejections.

Teller, Trusheim and Ohlenbusch fail to disclose or to have rendered obvious the each and every feature recited in new claims 32-41, as disclosed below.

Regarding new claims 32-39, Teller, Trusheim and Ohlenbusch, either alone or in any combination, fail to disclose or to have rendered obvious "the health management report includes a first graph displaying changes over time in the activity data for one day, and a

second graph displaying a total of time for each state of exercise...the first graph has a first vertical axis and a first horizontal axis, time being on the first horizontal axis, and the state of exercise being on the first vertical axis, the second graph has a second vertical axis and a second horizontal axis, the total of time being on the second horizontal axis, and the state of exercise being on the second vertical axis, the second graph is disposed on right side of the first graph, and the first and second horizontal axes are disposed coaxially, and the length of the first vertical axis is equal to the length of the second vertical axis, and the scale of the first vertical axis is equal to the scale of the second vertical axis," as recited in new claims 32 and 36.

Teller fails to disclose this feature. Teller discloses a system for monitoring health, wellness and fitness. Teller discloses that an activity level web page 200 includes an activity graph 205, in the form of a bar graph, for monitoring the individual user's activities in one of three categories: high, medium and low intensity with respect to a pre-scheduled unit of time (column 15, lines 55-59). Teller also discloses that an activity percentage chart 210, in the form of a pie chart, is provided for showing the percentage of a pre-selected time period, such as one day, that the user spent in each category (column 15, lines 59-62). Thus, Teller discloses using the bar graph and the pie graph to show the user's activity. However, Teller fails to disclose using two graphs with each having a horizontal axis showing time and a vertical axis showing a state of exercise. Thus, Teller fails to disclose the above feature, as recited in new claims 32 and 36. Further, Trusheim and Ohlenbusch fail to make up for the deficiency of Teller.

Thus, Teller, Trusheim and Ohlenbusch, either alone or in any combination, fail to disclose or to have rendered obvious the above feature, as recited in new claims 32 and 36.

Thus, new claims 32 and 36 are patentable over Teller, Trusheim and Ohlenbusch.

Further, new claims 33-35 and 37-39 are patentable for at least the same reasons, as well as for the additional features they recite.

Further, the feature recited in new claims 32 and 36 has an unexpected result which is not recognized by the applied references. Disposing the second graph on right side of the first graph with each having a horizontal axis showing time and a vertical axis showing a state of exercise has an advantage in that it is easy to grasp which state of activity was performed at which time and how long the total time of these states of activity was (page 32, lines 7-9). This result is not expected from Teller, Trusheim and Ohlenbusch, because none of these references discloses using two graphs with each having a horizontal axis showing time and a vertical axis showing a state of exercise.

Regarding new claims 40 and 41, Teller, Trusheim and Ohlenbusch, either alone or in any combination, fail to disclose or to have rendered obvious "[a] measuring device carried by a subject and measuring activity of the subject, comprising...a display configured to display changes over time in the activity data within a predetermined period and a total of consumption of energy by exercise calculated based on the activity data within the predetermined period," as recited in new claim 40. Teller discloses sensor devices 10, 400 that generate data indicative of various physical parameters of an individual (abstract, column 4, lines 14-22, and Figs. 2 and 12-19). However, Teller fails to disclose that the sensor device comprises the display that displays changes in the activity data within a predetermined period and a total of consumption of energy. Thus, Teller fails to disclose the above feature, as recited in new claim 40.

Ohlenbusch fails to make up for the deficiency of Teller. Ohlenbusch discloses a system for monitoring activity of a user in locomotion on foot. Ohlenbush discloses that a system includes a foot-mounted unit 102 and a wrist-mounted unit 104 (column 20, lines 5-

10). Ohlenbush also discloses that a foot-mounted unit 102 accumulates and transmits data to the wrist-mounted unit 104 so that it displays the current pace (or speed), the average pace (or speed), the expended energy and the total traveled distance (column 20, line 63-column 21, line 2). Thus, Ohlenbusch discloses that the foot-mounted unit 102 sensors and transmits the user's activity data to the wrist-mounted unit 104 which displays the activity data to the user. However, Ohlenbusch fails to disclose that the foot-mounted unit 102 has the display that displays changes over time in the activity data within a predetermined period and a total of consumption of energy by exercise. Thus, Ohlenbusch fails to disclose the above feature, as recited in new claim 40. Further, Trusheim fails to make up for the deficiency of Teller and Ohlenbusch.

Thus, Teller, Trusheim and Ohlenbusch, either alone or in any combination, fail to disclose or to have rendered obvious the above feature, as recited in new claim 40.

Thus, new claim 40 is patentable over Teller, Trusheim and Ohlenbusch. Further, new claim 41 is patentable for at least the same reasons, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

H. Yamashita

James A. Oliff
Registration No. 27,075

Hirotsuna Yamashita
Registration No. L0563

JAO:HQY/ils

Attachments:

Petition for Extension of Time
Replacement Sheet (Fig. 8)

Date: February 16, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

**DEPOSIT ACCOUNT USE
AUTHORIZATION**

Please grant any extension
necessary for entry of this filing;
Charge any fee due to our
Deposit Account No. 15-0461